

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:	CASE NO. 10-10176(BKT)
HECTOR M RAMOS RIVERA DEBTOR	CHAPTER 13

MOTION FOR DISMISSAL

TO THE HONORABLE COURT:

NOW COMES Scotiabank de Puerto Rico, through counsel, and most respectfully **STATES** and **PRAYS**:

1. Instant petition was filed on October 29, 2010.
2. On November 19, 2010, appearing party filed a secured proof of claim which is incorporated by reference.
3. As of the filing of the Bankruptcy petition Debtor was 13 payments of \$1,069.00 in arrears with respect to the mentioned note. Total pre-petition arrears \$15,375.97. See Proof of Claim for statement of account.
4. Debtor is now 3 post-petition payments in arrears as of filing of this motion. Total post-

petition arrears \$3,353.97. See Unsworn Statement attached.

5. Failure to make post-petition payments constitute cause for dismissal under 11 U.S.C. 1307(4).
6. Dismissal of instant petition is beneficial to creditors and parties in interest.
7. Enclosed Statement under Service Members Act for debtor.

NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST

Please take notice that unless a party in interest files an objection to this Request for Dismissal and request a hearing in writing with the Clerk of the Court, and serves with copy to the undersigned attorney within **THIRTY (30) DAYS** from the date of this Notice, the Dismissal may be approved by the Court without further notice or hearing. If the party in interest concurs with the above Dismissal, no action need be taken.

WHEREFORE it is respectfully requested that this Motion BE GRANTED and that instant matter be dismissed,

Wallace Visquez Sanabria

Counselor at Law
17 México Street, Suite D-1
San Juan, Puerto Rico 00917-2202
Phone (787) 756-5730, Fax (787) 764-0340
E-mail: walvaz@prtc.net

with such further relief as is deemed appropriate under the circumstances.

I CERTIFY that copy of this Notice was sent via first class mail to all creditors and parties in interest, as per enclosed master address list.

In San Juan, Puerto Rico, this 1st day of February, 2011.



Wallace Vazquez Sanabria-125101
17 Mexico St., Suite D-1
San Juan, PR 00917-2202
Tel: 787-756-5730
Fax: 787-764-0340
Email: walvaz@prtc.net

Wallace Vazquez Sanabria
Counselor at Law
17 Mexico Street, Suite D-1
San Juan, Puerto Rico 00917-2202
Phone (787) 756-5730, Fax (787) 764-0340
E-mail: walvaz@prtc.net

Label Matrix for local noticing
0104-3
Case 10-10176-BKT13
District of Puerto Rico
Old San Juan
Tue Feb 15 14:47:13 AST 2011

PR DEPARTMENT OF LABOR
PRUDENCIO RIVERA MARTINEZ BLDG
505 MUNOZ RIVERA AVENUE
12 FLOOR
SAN JUAN, PR 00918

US Bankruptcy Court District of P.R.
U.S. Post Office and Courthouse Building
300 Recinto Sur Street, Room 109
San Juan, PR 00901-1964

DEPARTAMENTO DEL TRABAJO
AVE MUOZ RIVERA 505
HATO REY, PR 00918-3352

SANTANDER FINANCIAL D/B/A ISLAND FINANCE
PO BOX 195369
SAN JUAN PR 00919-5369

HECTOR M RAMOS RIVERA
URB COUNTRY CLUB
CALLE CARMEN BUZELLO 1004
SAN JUAN, PR 00924-2463

MONSITA LECAROS ARRIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901-1938

DEPARTAMENTO DE HACIENDA
PO BOX 9024140
OFICINA 424-B
SAN JUAN, PR 00902-4140

SCOTIABANK PR
c/o WALLACE VAZQUEZ SANABRIA
17 MEXICO STREET SUITE D 1
SAN JUAN, PR 00917-2202

AAE
PO BOX 71324
SAN JUAN, PR 00936-8424

FEDERAL LITIGATION DEPT OF JUSTICE
PO BOX 9020192
SAN JUAN, PR 00902-0192

SCOTIABANK
PO BOX 362230
SAN JUAN, PR 00936-2230

JOSE RAMON CARRION MORALES
PO BOX 9023884
SAN JUAN, PR 00902-3884

INTERNAL REVENUE SERVICE
PO BOX 7346
PHILADELPHIA, PA 19101-7346

US TRUSTEE
EDIFICIO OCHOA
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901-1938

BANCO POPULAR DE PR
PO BOX 366818
SAN JUAN, PR 00936-6818

ISLAND FINANCE
PO BOX 71504
SAN JUAN, PR 00936-8604

SCOTIABANK DE PUERTO RICO
c/o WALLACE VAZQUEZ SANABRIA
17 MEXICO STREET, SUITE D-1
SAN JUAN, PR 00917-2202

MARILYN VALDES ORTEGA
VALDES-ORTEGA
P O BOX 195596
SAN JUAN, PR 00919-5596

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d) DEPARTAMENTO DE HACIENDA
PO BOX 9024140
OFICINA 424 B
SAN JUAN, PR 00902-4140

(d) FEDERAL LITIGATION DEPT. OF JUSTICE
PO BOX 9020192
SAN JUAN, PR 00902-0192

End of Label Matrix
Mailable recipients 18
Bypassed recipients 2
Total 20

BUFETE: WALLACE VAZQUEZ SANABRIA

**UNSWORN STATEMENT
UNDER PENALTY OF PERJURY**

The undersigned hereby certifies the following under penalty of perjury:

Debtor(s): HECTOR M RAMOS RIVERA

Loan No.: 000001432591

Bankruptcy No.: 10-10176

Post-petition arrears:	(3)	months at	\$1,069.00	=	\$3,207.00
	(3)	L/C	\$48.99	=	\$146.97

Current principal: \$152,816.65

Name:


Legal Division

Date: February 3, 2011

Department of Defense Manpower Data Center

Feb-15-2011 10:50:50



Military Status Report
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
RAMOS-RIVERA	HECTOR M	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenseink.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.
Report ID:8FD66UG5AR